

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

RICHARD EUGENE DAVIDSON,

Petitioner,

v.

3:08-cr-169
3:13-cv-389

UNITED STATES OF AMERICA,

Respondent.

MEMORANDUM AND ORDER

Petitioner has filed a motion to vacate, set aside or correct sentence pursuant to 28 U.S.C. § 2255. Petitioner was convicted of various drug-trafficking and firearm crimes. He previously filed a § 2255 motion attacking the same conviction, which was denied as time-barred. *Davidson v. United States*, Criminal Action No. 3:08-cr-169. (E.D. Tenn. June 12, 2013) (Judgment Order).

The petitioner cannot file a second or successive § 2255 motion in the district court until he has moved in the United States Court of Appeals for the Sixth Circuit for an order authorizing the district court to consider the motion. 28 U.S.C. §§ 2244(b)(3), 2255(h). This court has not received an order from the Sixth Circuit authorizing the court to consider the

pending motion. Accordingly, the Clerk is **DIRECTED** to transfer this action to the United States Court of Appeals for the Sixth Circuit, pursuant to 28 U.S.C. § 1631. *See In re Sims*, 111 F.3d 45 (6th Cir. 1997).

ENTER:

s/ Thomas W. Phillips
United States District Judge